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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FN

**Office Action Summary**

Application No.

09/621,691

Applicant(s)

KIKUCHI, TSUNEYUKI

Examiner

Sharad Rampuria

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413). Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

### ***Response to Amendment***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a notification condition of a circuit state") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the examiner is taking the "broadcast reasonably interpretation of the claim language." By followings Suzuki discloses, a notification or an alert to the user: a notification condition of a circuit state based on information of power supplied to said radio portable terminal and issuing a notification of the notification condition (Col.5; 4-17),

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, & 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Guerlin et al.

1. Regarding claim 1, Suzuki disclosed A radio data communication apparatus, comprising:  
a radio portable terminal (30; Fig.2) including a portable terminal section for deciding a notification condition of a circuit state based on information of power supplied to said radio portable terminal and issuing a notification of the notification condition (Col.5; 4-17), and a portable radio section (10; Fig.2) for receiving the notification of the notification condition and notifying said portable terminal section of the circuit state when the circuit state satisfies the notification condition received from said portable terminal section; (Col.4; 26-43)

Suzuki fails to disclose to connect a radio circuit based on the circuit state of the notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network. However, Guerlin teaches in an analogous art, that a radio portable terminal being operable to connect a radio circuit based on the circuit state of the notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network. (Col.5; 55- Col.6; 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a radio circuit based on the circuit state of the

notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network in order to convey based on both types of data.

2. Regarding claim 2, Suzuki disclosed A radio data communication apparatus as claimed in claim 1, wherein said portable terminal section includes means for notifying said portable radio section of the power supply information supplied to said portable terminal section, and said portable radio section includes means for deciding a notification condition of the circuit state based on the power supply information of the notification received and notifying said portable terminal section of the circuit state when the circuit state satisfies the notification condition.

(Col.5; 39-54)

3. Regarding claim 3, Suzuki disclosed A radio data communication apparatus as claimed in claim 1, wherein said portable terminal section includes means for notifying said portable radio section of the information of the power supply supplied to said portable terminal section, and said portable radio section includes means for determining a notification condition of the circuit state based on the power supply information of the notification received and connecting a circuit when the circuit state satisfies the notification condition. (Col.6; 42-57)

4. Regarding claim 4, Suzuki disclosed A radio data communication apparatus as claimed in claim 1, wherein the power supply information includes power supply type information which is information indicative of whether the power supply being supplied is an ac power supply or a battery, and information indicative of a battery remaining amount where the power supply is a battery. (Col.5; 4-17)

10. Regarding claim 10, Suzuki disclosed A radio data communication method, comprising:

a portable terminal step performed by a radio portable terminal for deciding a notification condition of a circuit state based on information of power supply supplied to said radio portable terminal and issuing a notification of the notification condition; (Col.5; 55- Col.6; 28)

a portable radio step performed by said radio portable terminal for receiving the notification of the notification condition and notifying the portable terminal step of the circuit state when the circuit state satisfies the condition received from the portable terminal step (Col.6; 52-59); and

Suzuki fails to disclose to connect a radio circuit based on the circuit state of the notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network. However, Guerlin teaches in an analogous art, that a radio portable terminal being operable to connect a radio circuit based on the circuit state of the notification

received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network. (Col.5; 55- Col.6; 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a radio circuit based on the circuit state of the notification received from said portable radio section to transmit and receive data to and from a server over a radio communication network, a public network and a wire communication network in order to convey based on both types of data.

11. Regarding claim 11, Suzuki disclosed A radio data communication method as claimed in claim 10, wherein the portable terminal step includes a step of notifying the portable radio step of the power supply information supplied to the portable terminal step, and the portable radio step includes a step of deciding a notification condition of the circuit state based on the power supply information of the notification received and notifying the portable terminal step of the circuit state when the circuit state satisfies the condition. (Col.7; 9-17)

12. Regarding claim 12, Suzuki disclosed A radio data communication method as claimed in claim 10, wherein the portable terminal step includes a step of notifying the portable radio step of the information of the power supplied to the portable terminal step, and the portable radio step includes a step of determining a notification condition of the circuit state

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based on the power supply information of the notification received and connecting a circuit when the circuit state satisfies the condition. (Col.5; 39-54)

13. Regarding claim 13, Suzuki disclosed A radio data communication method as claimed in claim 10, wherein the power supply information includes power supply type information which is information indicative of whether the power supply being supplied is ac power supply or a battery, and information indicative of a battery remaining amount where the power supply is a battery. (Col.5; 4-17)

Claims 5-8, & 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Guerlin et al.

5. Regarding Claim 5, Suzuki disclosed all the particulars of the claim except a reception of electric field strength. However, Guerlin teaches in an analogous art, that A radio data communication apparatus as claimed in claim 1, wherein the circuit state includes at least one of a reception electric field strength which is a strength of radio waves received from a radio base station by said portable radio section, and a state of a circuit indicated by an error rate of control data received from the radio base station by said portable radio section. (Col.7; 9-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention



to include a reception of electric field strength in order to measure the strength of radio waves.

6. Regarding Claim 6, Suzuki disclosed all the particulars of the claim except the circuit state based on an operation state of a CPU. However, Guerlin teaches in an analogous art, that A radio data communication apparatus as claimed in claim 1, wherein said portable terminal section includes means for determining a notification condition of the circuit state based on an operation state of a CPU of said portable terminal section and notifying said portable radio section of the notification condition, and said portable radio section includes means for notifying said portable terminal section of the circuit state when the circuit state satisfies the condition received from said portable terminal section. (Col.7; 21-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the circuit state based on an operation state of a CPU in order to determine if the cpu is available for communication.

7. Regarding Claim 7, Suzuki disclosed all the particulars of the claim except the circuit state based on an operation state of a CPU. However, Guerlin teaches in an analogous art, that A radio data communication apparatus as claimed in claim 1, wherein said portable terminal section includes means for notifying said portable radio section of an operation state of a CPU of said portable terminal section, and said portable radio

section includes means for deciding a notification condition of the circuit state based on the operation state of said CPU of the notification received and notifying said portable terminal section of the circuit state when the circuit state satisfies the notification condition. (Col.7; 26-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the circuit state based on an operation state of a CPU in order to determine if the cpu is available for communication.

8. Regarding Claim 8, Suzuki disclosed all the particulars of the claim except the circuit state based on an operation state of a CPU. However, Guerlin teaches in an analogous art, that A radio data communication apparatus as claimed in claim 1, wherein said portable terminal section includes means for notifying said portable radio section of an operation state of a CPU of said portable terminal section, and said portable radio section includes means for deciding a notification condition of the circuit state based on the operation state of said CPU of the notification received and connecting a circuit when the circuit state satisfies the notification condition. (Col.6; 29-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the circuit state based on an operation state of a CPU in order to enable communication with cpu.

14. Regarding Claim 14, Suzuki disclosed all the particulars of the claim except a reception of electric field strength. However, Guerlin teaches in

an analogous art, that A radio data communication method as claimed in claim 10, wherein the circuit state includes at least one of a reception electric field strength which is a strength of radio waves received from a radio base station by the portable radio step, and a state of a circuit indicated by an error rate of control data received from the radio base station by the portable radio step. (Col.7; 9-13) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a reception of electric field strength in order to measure the strength of radio waves.

15. Regarding Claim 15, Suzuki disclosed all the particulars of the claim except the circuit state based on an operation state of a CPU. However, Guerlin teaches in an analogous art, that A radio data communication method as claimed in claim 10, wherein the portable terminal step includes a step of determining a notification condition of the circuit state based on an operation state of a CPU of the portable terminal step and notifying the portable radio step of the notification condition, and the portable radio step includes a step of notifying the portable terminal step of the circuit state when the circuit state satisfies the condition received from the portable terminal step. (Col.7; 21-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the circuit state based on an operation state of a CPU in order to enable communication with cpu.

16. Regarding Claim 16, Suzuki disclosed all the particulars of the claim except the circuit state based on an operation state of a CPU. However, Guerlin teaches in an analogous art, that A radio data communication method as claimed in claim 10, wherein the portable terminal step includes a step of notifying the portable radio step of an operation state of a CPU of the portable terminal step, and the portable radio step includes a step of deciding a notification condition of the circuit state based on the operation state of said CPU of the notification received and notifying the portable terminal step of the circuit state when the circuit state satisfies the condition. (Col.7; 26-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the circuit state based on an operation state of a CPU in order to enable communication with cpu.

17. Regarding Claim 17, Suzuki disclosed all the particulars of the claim except the circuit state based on an operation state of a CPU. However, Guerlin teaches in an analogous art, that A radio data communication method as claimed in claim 10, wherein the portable terminal step includes a step of notifying the portable radio step of an operation state of a CPU of the portable terminal step, and the portable radio step includes a step of deciding a notification condition of the circuit state based on the operation state of said CPU of the notification received and connecting a circuit when the circuit state satisfies the condition. (Col.6; 29-41)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the circuit state based on an operation state of a CPU in order to enable communication with cpu.

Claims 9 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki & Guerlin et al. further in view of Nounin et al.

9. Regarding Claim 9, Above combination disclosed all the particulars of the claim except a processing speed of said CPU and/or an amount of power consumption of the power supply are different. However, Nounin teaches in an analogous art, that A radio data communication apparatus as claimed in claim 6, wherein the operation state of said CPU includes information representative of operation states wherein a processing speed of said CPU and/or an amount of power consumption of the power supply are different. (Col.32; 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a processing speed of said CPU and/or an amount of power consumption of the power supply are different in order to determine power consumption method properly.

18. Regarding Claim 18, Above combination disclosed all the particulars of the claim except a processing speed of said CPU and/or an amount of power consumption of the power supply are different. However, Nounin teaches in an analogous art, that A radio

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data communication method as claimed in claim 15, wherein the operation state of said CPU includes information representative of operation states wherein a processing speed of said CPU and/or an amount of power consumption of the power. (Col.32; 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a processing speed of said CPU and/or an amount of power consumption of the power supply are different in order to maintain separately.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(8-5:30) alternate Fri.( 8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

SK  
January 10, 2003

  
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